



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission

From: Julianne Thomas, Planner

Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources <sup>T3</sup>

Date: January 9, 2008

Subject: *Request for a Development Agreement for Lakeview Gardens*  
*106003 Overseas Highway, Mile Marker 106, Real Estate # 00083970-000000*  
*Approximate Mile Marker 106*

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**Meeting: January 23, 2008**

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I REQUEST:

Proposal: : To redevelop the site with one hundred ten (110) affordable housing units and thirteen (13) market rate units along with an accessory clubhouse of 1,548 SF and an accessory owner daycare of 1,334 SF. The development is to occur on the portion of the site with the land use designation of Sub Urban Commercial (SC). This property was formerly known as the Florida Keys RV Park and the Happy Vagabond.

The development agreement proposes the following:

1. Developer to receive one hundred ten (110) reserved ROGO affordable allocations, seventy-five (75) to be issued on the effective date of the agreement, and the remaining thirty-five (35) to be issued no later than August 1, 2008.
2. Developer will develop moderate rate employee affordable units.
3. Four (4) of these units will meet the inclusionary housing requirement pursuant to MCC §9.5-266 (b)(1) allowing developer to build thirteen (13) market rate dwelling units with the lawfully established mobile home market rate units on site.
4. Developer will receive ninety-one (91) mitigation certificates that can be sold to other developers to satisfy inclusionary housing requirements pursuant to MCC §9.5-266 within the same sub-area.
5. Developer will give Monroe County forty-seven (47) market rate ROGO exemptions established by D.O. #04-04.

B. Location:

1. Island & Mile Marker: Key Largo, MM 106
2. Address: 106003 Overseas Hwy, Key Largo
3. Legal Description: Island of Key Largo, Pt. Lots 5-12-13, Section 6, Township 61S, Range 40E, Monroe County, Florida

1 4. RE Number (s): 00083970.000000

2  
3 C. Applicant:

- 4 1. Owner: Northstar Resort Enterprises Corp.  
5 2. Agent: Reed & Company

6 II PROCESS:

7 Pursuant to § 9.5-101 of the Monroe County Code (MCC), a development agreement is to  
8 strengthen the public planning process, encourage private participation in comprehensive  
9 planning and reduce the economic costs of development. A development agreement is in  
10 addition to all other local development permits or approvals required by the MCC. Pursuant to  
11 MCC §9.5-102, an application for a development agreement shall be considered at two (2) public  
12 hearings and approved by the Board of County Commissioners (BOCC) at the second hearing or  
13 thereafter. The Planning Commission shall conduct the first public hearing. Notice of such  
14 hearings shall be given in accordance with both §163.3225, Florida Statutes and MCC § 9.5-  
15 45(b) and (d) or as amended.

16  
17 III PRIOR COUNTY ACTIONS:

18  
19 The Lakeview Gardens site is commonly known as both the Florida Keys RV Park and the  
20 Happy Vagabond. The site was previously developed and used as a one hundred twenty-six  
21 (126) unit RV Park with thirteen (13) permanent residential units in mobile homes.

22  
23 Resolution P55-03 by the Monroe County Planning Commission lawfully established one  
24 hundred twenty-six (126) ROGO exemptions from the Florida Keys RV Park (MM 106) as  
25 eligible for transference.

26  
27 Resolution P56-03 by the Monroe County Planning Commission approved the request filed by  
28 Northstar Resort to receive seventy-seven (77) ROGO exemptions from the Florida Keys RV  
29 Park (MM 106) at the Northstar Resort site (MM 99.5).

30  
31 Resolution P02-07 by the Monroe County Planning Commission approved the request filed by  
32 Northstar Resort to receive forty-nine (49) ROGO exemptions from the Florida Keys RV Park  
33 (MM 106) at the Northstar Resort site (MM 99.5). This resolution also identified the subject  
34 property as the site to build fifteen (15) affordable housing units linked to the Northstar Resort.

35  
36 Development Order #04-04 established forty-seven (47) ROGO exemptions at the Northstar  
37 Resort site (MM99.5). Condition 3 of this Development Order states that the applicant shall  
38 have five (5) years from the date of the approval of Development Order to get a conditional use  
39 permit approved and receive the ROGO exemptions on the site. This condition also includes that  
40 the Director of Planning may extend this time limitation by granting an additional two (2) years  
41 for the allocation and transfer of the residential ROGO exemption units upon request by the  
42 applicant. Pursuant to this Development Order, the applicant has until June 2009 to receive these  
43 units, and can request additional time if necessary.

44  
45 Development Order #05-04 approved the subject parcel as the receiver site for forty-seven (47)  
46 ROGO exemptions identified in Development Order #04-04 to be built as attached employee

housing upon approval of a major conditional use permit application. This development order states that the ROGO exemptions will be received upon approval of a major conditional use permit.

Currently, the site retains only the thirteen (13) market rate ROGO exemptions from the mobile home units.

#### IV BACKGROUND INFORMATION:

A. **Size of Site:** 10.24 acres of upland and 1.443 acres lake. 9.88 acres is Suburban Commercial (SC).

B. **Existing Land Use District:** Suburban Commercial (SC), Suburban Residential (SR) and Native Area (NA)

C. **Existing Future Land Use Designation:** Mixed Use/Commercial (MC), Residential Low (RL) and Residential Conservation (RC)

D. **Tier Designation:** Tier III

E. **Land Use and Habitat from 1985 Aerials:**

The 1985 existing conditions aerials classify this property disturbed code 740 on panel 291 and 299, adjacent to code 612, fringing mangrove wetland.

F. **Existing Vegetation / Habitat:**

There is a borrow pit or man-made lake in the southern end of the property. There are mature native trees and native vegetation throughout the entire property. Towards the northern boundary of the lake there are some Brazilian pepper intertwined with buttonwood and mangroves. There is a paved asphalt area beyond the southern portion of the lake. Beyond the asphalt there appears to be a small portion of native hardwood trees, mostly seagrasses and buttonwood followed by buttonwood/mangrove community.

G. **Community Character of Immediate Vicinity:**

The site abuts a larger Native Area (NA) to the south and Suburban Residential (SR) area to the East both owned by the State of Florida. The western properties are also zoned SR and are privately owned. All surrounding parcels are undeveloped except the Florida Keys Electric Company parcel and are designated as Tier I

#### V REVIEW OF APPLICATION:

1. The development agreement does meet all of the requirements of the Florida Local Government Development Agreement Act, §163.3220 – 163.3243, Florida Statutes.

163.3227. Requirements of a development agreement include:

(a) A legal description of the land subject to the agreement, and the names of its legal and equitable owners; *In Compliance*

(b) The duration of the agreement; *In Compliance*

Florida Statutes prohibit agreements longer than twenty (20) years.

- Pursuant to §4.b, this development agreement is for ten (10) years.
- (c) The development uses permitted on the land, including population densities, and building intensities and height; *In Compliance*
- (d) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development; *In Compliance*
- (e) A description of any reservation or dedication of land for public purposes; *Compliance to be determined*
- This agreement does not provide for any dedication of land for public purposes.
- (f) A description of all local development permits approved or needed to be approved for the development of the land; *Compliance to be determined*
- The applicant shall be required to receive approval for a major conditional use permit prior to any development on the land.
- (g) A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations; *Compliance to be determined*
- This development agreement is consistent with the Monroe County 2010 Comprehensive Plan or the Key Largo Livable CommuniKeys Plan.
- The developer has submitted an application for a major conditional use permit and is undergoing conditional use approval process in order to determine compliance with land development regulations. While as a whole, the project appears to be in or near compliance, there is one compliance issue to be addressed:
1. Inclusionary housing: The applicant is requesting that four (4) employee designated units be allowed to be considered as the inclusionary housing required by MCC 9.5-266(b)(2)b pursuant to MCC 9.5-266(b)(3)1 & 2.
- (h) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens;
- The Applicant shall upgrade sewage and drainage on the site to meet or exceed the requirements of the Monroe County Code.
- (i) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction; *In Compliance*

2. The duration of the Development Agreement does not exceed ten (10) years. *In Compliance*

Pursuant to §4.b, this development agreement is for ten (10) years.

3. The development was initially approved pursuant to a development order issued prior to the effective date of this division or is proposed by another governmental entity. *Compliance to be determined*

The effective date of this division is September 15, 1986. Pursuant to MCC §9.5-2, the site was deemed to have a major conditional use permit as a campground/RV park has been operating on this site prior to 1986 pursuant to MCC §9.5-235(b)(6). The site has currently applied for a major conditional use permit pursuant to MCC §9.5-235(c)(10).

#### VI FINDINGS OF FACTS & CONCLUSIONS OF LAW

1. Based on MCC § 9.5-101 the Development Agreement does meet the requirements to allow Monroe County to enter into a Development Agreement; and
2. Based on MCC §9.5-102(a), the BOCC does have the authority to enter into this Development Agreement.
3. Approval of this Development Agreement does not constitute approval of a specific site plan. Approval of a site plan shall be determined upon submittal of an application for Major Conditional Use Permit approval.

#### VII RECOMMENDATION:

Staff recommends approval to the DRC & Planning Director with the following recommendations:

1. The conditional use application shall be approved by the Planning Commission prior to this application being presented to the BOCC.
2. Change T on page 3 of the Whereas clauses by striking the sentence "Developer will use 19 of the 110 affordable allocations to build 19 affordable employee housing units."
3. In §2.d, change to read as follows:  
Developer to build one hundred ten (110) deed restricted affordable employee housing units to help meet the deficit of current affordable housing needs. All units shall be deed restricted as employee units. A minimum of six (6) units shall be deed restricted for those meeting low and very low income standards.
4. In §2.j., add the following sentence: Failure to receive these seventy-five (75) certificates of occupancy within eighteen (18) months of the date of issuance for the first building permit shall be considered a breach of this development agreement.
5. In §2.m, add the following sentence: Under no circumstances shall less than nineteen (19) units be designated as affordable employee units.

VIII DOCUMENTS REVIEWED:

Document Name	Source	Date
Development Agreement Revision	Applicant	12/14/07
Application w/ supporting documentation	Applicant	9/10/07